

Before the  
Federal Communications Commission  
Washington, D.C. 20554

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OCT 14 2003

Federal Communications Commission  
Office of Secretary

In the Matter of )  
)  
Petition of Cavalier Telephone, LLC ) WC Docket No 02-359  
Pursuant to Section 252(e)(5) of the )  
Communications Act for Preemption )  
of the Jurisdiction of the Virginia State )  
Corporation Commission Regarding )  
Interconnection Disputes with Verizon )  
Virginia, Inc and for Arbitration )

**CAVALIER'S OBJECTIONS TO VERIZON'S WITNESSES AND EVIDENCE**

Cavalier Telephone, LLC respectfully submits the following Objections to  
Verizon Virginia, Inc 's witnesses and evidence

**Issue/Witness Testimony/Exhibit Objections \* \*\***

ISSUE NUMBER	WITNESS	TESTIMONY AND EXHIBITS OBJECTED TO BY CAVALIER	<u>Reasons for Objections</u>
C2	Don Albert	Direct Testimony (DT) - p 5, lines 6-7	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge  (Rebuttal Testimony (RT) - No objections )
C2	Peter D'Amico	DT - p 5, lines 6-7	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge  (RT - No objections )
C3	Jonathan Smith	DT - p 3, lines 15-17, p 8, lines 15-20, p 9, lines 20-24, p 10, lines 13-30, p 11, lines 1-2	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge

\* Cavalier reserves the right to move to exclude any other testimony if cross-examination of a witness reveals a basis for such motion

\*\* Cavalier objects to Verizon's designation of unspecified documents produced in discovery as evidence and reserves the right to object to any specific documents that Verizon seeks to introduce

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			(RT – No objections )
C4	Jonathan Smith		(DT, RT – No objections )
C5	Jonathan Smith		(DT, RT – No objections )
C6	William Green	DT - p 2, lines 2-4, 8-11, p 3, lines 19-20, lines 11-18, 20-23, p 4, lines 11-18, p 5, lines 21-22, p 6, lines 1-5, 8-16, p 7, lines 2-3 RT – p 2, lines 3-18, 22, 23	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge
C9	Rosemarie Clayton	DT – p 7, lines 9-10, p 8, lines 11-16, 19-23, p 9, lines 1-12, p 10, lines 13-15, 20-22, 25, p 11, lines 1-3, 10-11, 21-23, p 12, line 1, p 12, lines 9-13, p 14, lines 4-6 RT – p 6, lines 11-12, p 8, lines 3-5, p 10, lines 6-22	Witness improperly provides legal conclusions rather than testimony to facts within her personal knowledge
C10	Donald Albert	DT – p 14, lines 14-20, p 17, lines 6-13, p 19, lines 1-2, p 24, lines 3-6, 9-11 RT – p 10, line 29, p 11, lines 1-2, p 13, lines 2-7	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge
C10	Alice Shocket	DT – p 14, lines 14-20, p 17, lines 6-13, p 19, lines 1-2, p 24, lines 3-6, 9-11 RT – p 10, line 29, p 11, lines 1-2, p 13, lines 2-7	Witness improperly provides legal conclusions rather than testimony to facts within her personal knowledge
C12	Thomas Maguire	DT - p 6, lines 16-21	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge  (RT – No objections )
C14	Donald Albert	DT – p 26, lines 5-14, 17-19 RT – p 13, lines 23-25, p 14, lines 1-7, 10-11, p 16, lines 5-6, p 17, lines 12-14, 21-23, p 19, lines 13-16	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge
C14	Rosemarie Clayton	DT – p 26, lines 5-14, 17-19 RT – p 13, lines 23-25, p 14, lines 1-7, 10-11, p 16, lines 5-6, p 17,	Witness improperly provides legal conclusions rather than testimony to facts within her personal knowledge

		lines 12-14, 21-23, p 19, lines 13-16, and Exhibit C if it was not produced timely in discovery	
C16	Alan Young	<b>DT</b> – p 2, lines 4-10, 16, p 3, lines 7-11, p 6, lines 11-16, p 7, lines 8-9, 16-18, 21-23, p 8, lines 1-3, p 9, lines 5, 15-20, p 10, lines 4-13, and Exhibit C if it was not produced timely in discovery	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge
C17	Jonathan Smith	<b>DT</b> – p 15, lines 20-23, p 17, lines 23-25, p 18, lines 1-3, 23-25, p 19, lines 1-5	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge  (RT – No objections )
C18	Michael Toothman/ Stephen Spencer	<b>DT</b> – p 4, lines 12-16, p 6, 12-21, p 13, lines 1-7	Witnesses improperly provide legal conclusions rather than testimony to facts within their personal knowledge  (RT - No objections
C21/V34	Jonathan Smith	<b>DT</b> – p 19, lines 8-9, p 20, lines 18-19, p 21, lines 3-8, 11-13, p 22, lines 3-6 <b>RT</b> – p 11, lines 22-23, p 14, lines 5-8	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge
C24	Jonathan Smith	<b>DT</b> – p 23, lines 17-23, p 24, lines 1-2, p 25, lines 9-12, 18-26, p 26, lines 1-10, 16-19 <b>RT</b> – p 16, lines 10-14, 16, p 17, lines 1-3	Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge
C25	Gregory Romano	<b>DT</b> – p 3, lines 19-23, p 4, lines 1, 9-14, 16-18, 20-23, p 5, lines 1-16 <b>RT</b> – p 1, lines 19-23	1 Witness improperly provides legal conclusions, including argument in the inadmissible form of a brief, rather than testimony to facts within his personal knowledge  2 Witness improperly provides opinion without adequate factual foundation  3 Witness's testimony is objectionable due to Virginia Rule of Professional Conduct 3.7(a), and comments 1,2 and 4 to such Rule, because Witness represented Verizon in the settlement negotiations out of which this proceeding in its present form arose

C25	Louis Agro	RT – pages 1-5	<p>1 Unduly prejudicial, as witness raises specific issues about PAP, its methodology and its implementation, that were not raised in Verizon's Direct testimony While Cavalier rebutted Verizon within the scope of Verizon's direct testimony, Verizon's new witness raises new assertions that Cavalier is unable to seek discovery over and to rebut</p> <p>2 Unduly prejudicial, as witness cites specific PAP measurements for the first time and introduces new statistical data, when Cavalier has no opportunity to seek discovery over or to rebut</p> <p>3 Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge</p>
C27	Rosemarie Clayton	<p>DT – p 27, lines 10-11, p 28, lines 3-8, 13-21, p 29, lines 1-5, p 30, lines 3-5, 8-10,</p> <p>RT – p 20, lines 17-22, p 21, lines 11-17, p 22, lines 22-23</p>	<p>Witness improperly provides legal conclusions rather than testimony to facts within her personal knowledge</p>
C27	Louis Agro	RT – pages 5-8, and Exhibit A thereto	<p>1 Unduly prejudicial, as witness raises specific issues about PAP, its methodology and its implementation, that were not raised in Verizon's Direct testimony While Cavalier rebutted Verizon within the scope of Verizon's direct testimony, Verizon's new witness raises new assertions that Cavalier is unable to seek discovery over and to rebut</p> <p>2 Unduly prejudicial, as witness cites specific PAP measurements for the first time and introduces new statistical data, when Cavalier has no opportunity to seek discovery over or to rebut</p> <p>3 Witness improperly provides legal conclusions rather than testimony to facts within his personal knowledge</p>

October 14, 2003

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen T. Perkins". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stephen T. Perkins (VA Bar #38483)  
Cavalier Telephone, LLC  
2134 West Laburnum Avenue  
Richmond, Virginia 23227-4342  
Telephone. 804 422 4517  
Facsimile 804.422.4599  
e-mail [sperkins@cavtel.com](mailto:sperkins@cavtel.com)

- and -

Richard U Stubbs (MA Bar # 563207)  
Cavalier Telephone Mid-Atlantic, LLC  
965 Thomas Drive  
Warminster, Pennsylvania 18974  
Telephone 267 803 4002  
Facsimile 267 803 4147  
e-mail [rstubbs@cavtel.com](mailto:rstubbs@cavtel.com)

**CERTIFICATE OF SERVICE**

I certify that true and accurate copies of the foregoing pleading were served on the following persons, by the methods indicated

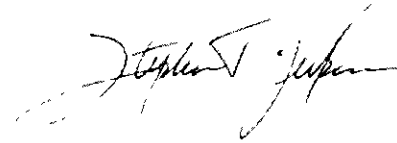
by electronic mail and by first class U S mail:

Karen Zacharia  
Kathleen M Grillo  
Verizon Virginia Inc  
1515 North Court House Road, 5th Floor  
Arlington, VA 22201  
e-mail [karen.zacharia@verizon.com](mailto:karen.zacharia@verizon.com);  
[kathleen.m.grillo@verizon.com](mailto:kathleen.m.grillo@verizon.com),

James R Young  
Kimberly A Newman  
O'Melveny & Myers  
1625 I Street, NW  
Washington, DC 20006  
e-mail [jryoung@omm.com](mailto:jryoung@omm.com),  
[knewman@omm.com](mailto:knewman@omm.com), and

by electronic mail

Ms Terri Natoli ([terri.natoli@fcc.gov](mailto:terri.natoli@fcc.gov));  
Mr Jeremy Miller ([jeremy.miller@fcc.gov](mailto:jeremy.miller@fcc.gov)); and  
Ms Deena Shetler ([deena.shetler@fcc.gov](mailto:deena.shetler@fcc.gov))



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Counsel